

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

Ethan J.,

No. 3:20-cv-00894-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:


Plaintiff Ethan J. brought this action seeking review of the Commissioner's final decision to deny Supplemental Security Income. On June 25, 2021, pursuant to the parties' stipulated motion, the Court reversed the Commissioner's decision and ordered that the case be remanded for additional proceedings. Order, ECF 14. Judgment was also entered on June 25, 2021. ECF 15. On December 5, 2022, Plaintiff's counsel received notice of Plaintiff's award for benefits. Pl. Mot. Ex. 3, ECF 19.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Pl. Mot. Defendant has no objection to the request. *Id.* The Court has reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [19] and awards Plaintiff's counsel \$14,249.87 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$3,903.10 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Of that award, \$2,485.00 was seized by the Treasury. Pl. Mot. Ex. 1. Upon payment of the § 406(b) fees, Plaintiff's counsel is to refund the remaining EAJA fees of \$1,418.10 received by counsel to Plaintiff. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED: February 12, 2023.

  
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MARCO A. HERNANDEZ  
United States District Judge